

NICHOLAS PHIPPS

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| Petitioner, |) | Case No.1:07-cv-233 |
| |) | |
| -vs- |) | <u>O R D E R</u> |
| |) | |
| MAGGIE A. BEIGHTLER, |) | Judge Christopher A. Boyko |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |

On 01-29-2007, Petitioner filed a *pro se* Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 (Dkt. # 1). The case was referred to Magistrate Judge William H. Baughman, Jr. pursuant to Local Rule 72.2 (Dkt. # 6). On 08/18/2008, the Magistrate Judge recommended that Petitioner's application for habeas corpus be dismissed (Dkt. # 11).

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Baughman's report and recommendation is **ADOPTED** and Petitioner's Writ of *Habeas Corpus* (Dkt. # 1) is **DENIED**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an

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appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated:9/23/2008

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE